

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 30 April 2020

**Public Authority:** Carmarthenshire County Council  
**Address:** [foia@carmarthenshire.gov.uk](mailto:foia@carmarthenshire.gov.uk)

**Decision (including any steps ordered)**

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1. The complainant requested copies of photographs taken of signage in a particular car park. The Commissioner's decision is that Carmarthenshire County Council ('the Council') failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. However, as the Council has now provided the complainant with a response, the Commissioner does not require any steps to be taken as a result of this decision notice.

**Request and response**

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2. On 6 October 2019, the complainant wrote to the Council and requested information in the following terms:

*"Your Council began enforcement action against Smart Parking Ltd, operating a paid for car park on land adjacent to 18 Wind Street Ammanford (commonly referred to as Shoppers World car park) in early August 2019 (E/ENF/09368).*

*A complaint had been made that Smart Parking Ltd were in breach of s224 of the Town & Country Planning Act, not holding valid planning consent for advertisements over 0.3m<sup>2</sup>. Guidance is available on the Welsh Government website. This is the law, rather than an offer to enter into a commercial contract. pg27 of the Advertisement Control booklet*

*(prepared for DfT & Welsh Ass for Wales) provides a useful summary of fines (£1,000 at time of publication) for Illegal advertisements - Newport Council have a copy conveniently linked on their Planning site.*

*Please provide copies of the photographs that your enforcement officers took of all the signage found in the car park when they visited, per the time-frame stipulated in the Council's adopted protocol (following the Task & Finish groups response to the two earlier declarations of maladministration with regard to planning enforcement)".*

3. The Council responded on 4 November 2019 and disclosed one photograph.
4. On 15 November 2019 the complainant requested an internal review of the Council's handling of the request.
5. The Council provided the outcome of its internal review on 25 November 2019 and disclosed a further 11 photographs that it had identified as relevant to the request.

### **Scope of the case**

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6. The complainant contacted the Commissioner initially on 2 November 2019 and again on 29 November 2019 to complain about the delay experienced in the Council's response to his request. He asked the Commissioner to issue a decision notice relating to his complaint.
7. The scope of this notice is therefore to consider whether the Council has complied with section 10 of the FOIA.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

8. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.

9. In this case the complainant made his request for information on 6 October 2019. The Council responded on 4 November 2019 and provided some information. In its internal review response dated 25 November 2019 the Council disclosed additional information relevant to the request.
10. As the Council did not respond to the request within the required timescale and failed to comply fully with section 1(1)(b) within the required timescale, it breached section 10(1) of the FOIA.

## Right of appeal

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11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Joanne Edwards**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**